

CHARTER  
OF THE  
**Town of Easton**

TALBOT COUNTY, MARYLAND

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as amended*

(Reprinted November 2008)

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## **CONTENTS**

### **ARTICLE I**

#### **Incorporation; Powers; Boundaries and Annexation**

##### Section

1. Body corporate; name; general powers; continued existence.
2. Boundaries.
3. Ward Boundaries.
4. Annexation – Applicable law.
5. Same – Jurisdiction over inhabitants and territory.

### **ARTICLE II**

#### **The Council**

1. Composition; election generally; term; qualifications.
2. Salary of councilmen.
3. Meetings.
4. Council to judge qualifications of members.
5. Quorum; passage of ordinances generally.
6. Rules and order of business; journal.
7. Vacancies; removal from office.
8. Power to discipline and discharge town officers; hearing.
9. Ordinances – Passage; publication; effective date.
10. Same – Veto or approval by mayor.
11. Same – File.
12. Adopting codes of technical regulation [regulations] by reference.
13. President of council; designation; duties; vacancy.
14. Same – Mayoralty candidate.
15. Same – Qualifications and salary.
16. General Powers.
17. Specific Powers.
- 17–A. Power to regulate public streets and ways.
18. Power of eminent domain.
19. Limitation on sale and purchase of property – Approval of voters. (Repealed)
20. Same – Municipally owned public utilities; approval of voters.
21. Issuance of revenue bonds for municipally owned public utility property; terms; conditions.

### **ARTICLE III**

#### **The Mayor**

1. Election generally; term.
2. Qualifications.

3. Salary.
4. Powers and duties.

#### **ARTICLE IV**

##### **The Easton Utilities Commission – Public Utilities**

1. The Easton Utilities Commission – Appointment; term; vacancy.
2. Same – Powers and duties.
3. Same – Salary and meetings.
4. Same – Council examination of records; removal of commissioners; appeal.
5. Same – Investment of reserve funds.
6. Same – Sale of investments.
7. Same – Street opening powers.

#### **ARTICLE V**

##### **Elections, Registrations and Nominations**

1. Eligibility to vote.
2. Supervisor of Elections.
3. Assistant Supervisors of Elections.
4. Method of registration of voters.
5. Cancellation of registration for failure to vote.
6. Challenges of Voters and correction of lists; Appeal.
7. Delivery and inspection of registration list.
8. Election of Mayor, President of the Council and members of the Council.
9. Nominations.
10. Method of nomination.
11. Vacancies among candidates.
12. Districting and apportionment.
13. Poll watchers – Selection.
14. Duties of poll watchers.
15. Poll watchers – Referenda.
16. Voting places.
17. Notice of elections.
18. Ballots – Requirements generally.
19. Posting of sample ballot.
20. Official Ballot.
21. Official Ballots – Possession by Supervisor of Elections.
22. Posting of sample ballot – Mistakes and challenges.
23. Opening and closing hours of polls.
24. Voting procedure.
25. Electioneering and loitering near polls prohibited.
26. Board of Canvassers – Appointment; term; vacancy.
27. Board of Canvassers – Organization; powers; duties; appeal.
28. Election results – Counting of votes and certification.
29. Election results – Issuance of election certificates.

30. Bribery of voters prohibited.
31. Absentee ballot provisions.
32. Preservation of ballots after election.
33. Violations.
34. Interpretation – Further authority of Town Council.

## **ARTICLE VI**

### **Finance, Revenue and Taxation**

1. Financial supervision.
2. Expenditures to be authorized by council.
3. Fiscal year.
4. Budget – Estimates used for preparation.
5. Same – Message.
6. Same – Contents generally.
7. Same – Public record.
8. Same – Public hearing.
9. Issuance and signing of checks.
10. Audit.
11. Taxation – Taxable property; limitations.
12. Same – Industrial property.
13. Same – Agricultural property.
14. Same – Notice of new or increased assessments.
15. Same – Tax year and due date; discounts; interest on overdue taxes.
16. Same – Notice, payment and collection of overdue taxes.
17. Same – Liens for unpaid taxes and moneys.
18. Same – Tax bills.
19. Authority to borrow money and issue and sell bonds or notes.
20. Power to borrow for construction or purchase of industrial buildings.
21. Special assessment districts.

## **ARTICLE VII**

### **Town Administration**

1. Town Manager – Appointment; Qualifications.
2. Town Manager – Powers and Duties.
3. Finance Officer – Appointment, Qualifications.
4. Finance Officer – Powers and Duties.
5. Finance Officer – Bond; Surety empowered to enforce tax payments.
6. Town Clerk.
7. Vacancy.

## **ARTICLE VIII**

### **Town Attorney**

1. Appointment and compensation.
2. Qualifications.
3. Duties.

## **ARTICLE IX**

### **Town Engineer**

1. Appointment; term; removal; salary.
2. Qualifications.
3. Powers and duties.

## **ARTICLE X**

### **Police**

1. Chief of Police – Appointment and removal.
2. Same – Bond and salary.
3. Same – Report to council.
4. Policemen generally – Appointment.
5. Duties of police.

## **ARTICLE XI**

### **Transitional Provisions**

1. Pending matters.

## **ARTICLE XII**

### **Miscellaneous Provisions**

1. Oath of office.
2. Charter powers not exclusive.
3. Present consistent State and town law continued in effect.
4. Separability.
5. Charter amendments.
6. Penalties for misdemeanors and municipal infractions.
7. Tort liability – Notice of claim.
8. Effective Date.

**APPENDIX I**  
**Urban Renewal Authority for Slum Clearance**

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Establishment of Urban Renewal Agency.
- A1-104. Initiation of Project.
- A1-105. Preparation and Approval of Plan for Urban Renewal Project.
- A1-106. Disposal of Property in Urban Renewal Area.
- A1-107. Eminent Domain.
- A1-108. Encouragement of Private Enterprise.
- A1-109. General Obligation Bonds.
- A1-110. Revenue Bonds.
- A1-111. Separability.
- A1-112. Short Title.
- A1-113. Authority to Amend or Repeal.





# EASTON

## ARTICLE I

### **Incorporation; Powers; Boundaries and Annexation**

#### Section 1. Body corporate; name; general powers; continued existence.

The citizens of the Town of Easton, in Talbot County, Maryland, are hereby constituted a body corporate by the name of the "Town of Easton," with all privileges, rights and powers of a municipal body corporate and by that name shall have perpetual succession, sue and be sued, plead and be impleaded in any court of law or equity and have and use a corporate seal. The enactment of this Section shall not be construed as terminating the existence of the corporation known as the "Mayor and Council of Easton," and creating a new corporation by the name of the "Town of Easton," but shall be construed as continuing the existence of the corporation known as the "Mayor and Council of Easton," and changing its name to that of the "Town of Easton." (P.L.L., 1888, Art. 21, sec. 41. 1860, Art. 20, sec. 30. 1906, Ch. 458, sec. 41. 1927, ch. 19. Res. No. 16, June 19, 1956.)

#### Section 2. Boundaries.

The courses and distances showing the exact corporate limits of the town shall be filed at all times with the Clerk of the Circuit Court in Talbot County, the Commissioner of the Land Office and the Director of the Department of Legislative Reference. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the office of the town clerk. All the officials named in this Section are hereby directed to file or record all such descriptions of corporate boundaries so filed with them each in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. (1951, ch. 172, sec. 1.)

#### Section 3. Ward Boundaries.

The Town of Easton shall be divided into four wards. A map showing the existing boundaries of each ward shall be on file in the town clerk's office and shall be available for public inspection during normal business hours. (1951, ch. 173, sec. 2.)

#### Section 4. Annexation – Applicable law.

The Town of Easton shall exercise all governmental powers in any area annexed to it which it exercises within the present limits of the town. All the provisions of the Constitution of the State of Maryland and the Charter of the Town of Easton and all other local and general laws applicable to the Town of Easton, and all amendments thereto, and all existing ordinances and resolutions of the Town of Easton are hereby extended and made applicable to such portions of Talbot County as shall be annexed to and made a part of the Town of Easton. (1951, ch. 173, sec. 1.)

Section 5. Same – Jurisdiction over inhabitants and territory.

All of the inhabitants of the territory annexed to the Town of Easton shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the Town of Easton, and to all the ordinances and resolutions now in force, so far as the same may be consistent with the provisions of this Charter, and the territory so annexed shall in all respects be taken and considered as part of the Town of Easton. (1951, ch. 173, sec. 1.)

## **ARTICLE II**

### **The Council**

Section 1. Composition; election generally; term; qualifications.

There shall be a town council consisting of five members who shall be elected as hereinafter provided and who shall hold office for a term of four years or until their successors are elected and qualified. No one shall be elected to the council who is not a registered voter of the Town at the time of his filing a nomination petition for election to office. There shall be one member of the council representing each Ward of the Town of Easton, and each such member shall have been a resident of his respective Ward for a period of at least thirty days prior to the time of his taking office. Each council member who represents a Ward shall reside in his Ward during the term of his term of office. There shall also be a President of the Council who shall be elected at large throughout the Town and who shall be a registered voter of the Town at the time of his filing a nomination petition for election to office and a resident of the Town for at least thirty days prior to his taking office. The President of the Council shall reside within the Town limits during the term of his office. (1910, ch. 365, sec. 45A (p. 1169). 1920, ch. 24. Res. No. 18, February 4, 1958; 1906, ch. 458, sec. 62. 1908, ch. 41, sec. 62, 1914, ch. 41. 1937, ch 26. Res. No. 17, May 19, 1958; Res. No. 50, 2–3–87.)

Section 2. Salary of councilmen.

Each councilman shall receive an annual salary which shall be equal for all councilmen and shall be as specified from time to time by an ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time any councilman takes office shall not be changed during the period for which that councilman was elected. (1906, ch. 458, sec. 62. 1908, ch. 41, sec. 62. 1914, ch. 41. 1937, ch. 26. Res. No. 17, May 19, 1958.)

Section 3. Meetings.

The members of the council shall meet on the third Monday succeeding their election and shall meet in regular session on the third Monday in each month thereafter and at such other times as may be prescribed by the rules of the council. Special meetings may be called by the mayor or president of the council as often as necessary for the transaction of business. Meetings of the council may be open to the public and the rules of the council shall provide that residents of the Town of Easton shall have a reasonable opportunity to be heard in regard to any matters at

any such meeting designated by the council. (1906, ch. 458, sec. 65. 1908, ch. 41, sec. 65 (p. 1015).)

Section 4. Council to judge qualifications of members.

The council shall be the judge of the election and qualifications of its members.

Section 5. Quorum; passage of ordinances generally.

A majority of the council shall constitute a quorum for the transaction of business, but no ordinance shall be approved without a majority favorable vote of the entire council.

Section 6. Rules and order of business; journal.

The council shall determine its own rules and order of business. It shall keep or cause to be kept a journal of its proceedings and enter therein the yeas and nays upon any question, resolution or ordinance. The journal shall be open to public inspection. (1906, ch. 458, sec. 44.)

Section 7. Vacancies; removal from office.

Whenever a vacancy shall occur in the council, through any cause whatsoever, the mayor shall proceed to order an election to fill the vacancy, and said election shall be held and conducted, after not less than ten days' notice thereof in one or more newspapers published in the Town of Easton, or by hand bill, or both. If any member-elect of the council shall fail to take the oath prescribed, on or before the second regular meeting after his election, such failure may be deemed a refusal to act. If any member of the council shall remove from the town, or from any cause become permanently incapacitated to carry out his duties as councilman, such removal or permanent incapacity shall create a vacancy. (1908, ch. 40, sec. 66A (p. 1916).)

Section 8. Power to discipline and discharge town officers; hearing.

The council, in conjunction with the mayor, sitting as a board of employee supervisors, shall have the authority and power to discipline or discharge, for cause, any of the appointed officers of the town; provided, that any such officer shall be entitled to a hearing before the board and be permitted to produce witnesses on his behalf; and further provided, that said officers shall be notified in writing at least ten days prior to the date set for hearing of the charges or complaints filed against them. The decision of the board shall be final and not subject to review by any court. (Res. No. 14, May 22, 1956.)

Section 9. Ordinances – Passage; publication; effective date.

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which subject shall be clearly expressed in its title. The enacting clause shall be "The Town of Easton hereby ordains. . ."

No ordinance shall be passed at the meeting at which it is introduced. At any regular or special meeting of the council held not less than six nor more than sixty days after the meeting at which an ordinance was introduced, it shall be passed, or passed as amended, or rejected, or its consideration deferred to some specified future date. In cases of emergency the above requirement may be suspended by the affirmative votes of four members of the council. Every ordinance, unless it be passed as an emergency ordinance, shall become effective at the expiration of twenty calendar days following approval by the mayor or passage by the council over his veto. A fair summary of each ordinance shall be published at least once in a newspaper or newspapers having general circulation in the Town of Easton. An emergency ordinance shall become effective on the date specified in the ordinance, but no ordinance shall become effective until approved by the mayor or passed over his veto by the council.

Section 10. Same – Veto or approval by mayor.

All ordinances passed by the council shall be promptly delivered by the town clerk to the mayor for his approval or disapproval. If the mayor approves any ordinance, he shall sign it. The mayor shall return all ordinances to the town clerk within fifteen days after adoption with his approval or disapproval. Any ordinance approved by the mayor shall be law. Any ordinance disapproved by the mayor shall be returned with a message stating the reason for his disapproval. Any disapproved ordinance shall not become a law unless subsequently passed by a favorable vote of four-fifths of the whole council within thirty-five calendar days from the time of the return of the ordinance. If the mayor fails to return any ordinance within fifteen days of its adoption as aforesaid, it shall be deemed to be approved by the mayor and shall become law in the same manner as an ordinance signed by him. (1906, ch. 458, sec. 71. 1910, ch. 365, sec. 71 (p. 1171). 1914, ch. 54.)

Section 11. Same – File.

Ordinances and resolutions, when passed and approved by the mayor or when passed over his veto, shall be permanently filed in a book or books kept for that purpose by the town clerk.

Section 12. Adopting codes of technical regulation [regulations] by reference.

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally and publication of a fair summary of the adopting ordinance shall be deemed as publication of the code itself. Copies of any adopted code of technical regulations shall be on file in the office of the town clerk and shall be available for public inspection, distribution and purchase at a reasonable price.

Section 13. President of council; designation; duties; vacancy.

The president of the council shall, if present, preside at all meetings of the council and shall act as mayor during the absence or temporary incapacity of the mayor. In case of the mayor's death, resignation, removal from town, permanent incapacity or removal from office,

the president shall become acting mayor and serve in said position until a mayor is elected and qualified. In the absence of the president of the council from any meeting of the council, or in the event that the president of the council has become acting mayor, or pursuant to Section 14 of this Article has elected to run for the office of mayor, the other members present shall elect one of their members who shall act as president and have all the powers of president of the council until such time as a new president of the council is elected or the old president becomes capable to act. (1906, ch. 458, sec. 66. 1908, ch. 41, sec. 66 (p. 1015).)

Section 14. Same – Mayoralty candidate.

On or before fifteen days following the death, resignation, removal from town, permanent incapacity or removal from office of the mayor, the president of the council, as acting mayor, shall deliver to the town clerk his written statement that he does or does not intend to seek the office of mayor. Should the president of the council, as acting mayor, elect to run for the office of mayor, then at the next regular meeting of the council following the delivery of the aforementioned statement, the council shall order that an election be held to elect a mayor and to fill any vacancy which may exist by reason of the acting mayor running for mayor or otherwise; said election shall be held not more than ninety days following said council meeting unless there is a regular town election scheduled within six months thereafter. (Res. No. 24, July 6, 1961.)

Section 15. Same – Qualifications and salary.

The president of the council shall have those qualifications set forth in Section 1 of this Article, and shall receive for his services such sum as shall be specified from time to time by ordinance passed by the council in the regular course of its business; provided, however, that the salary specified at the time the president of the council takes office shall not be changed during the period for which he was elected. (1906, ch. 458, sec. 62. 1908, ch. 41, sec. 62. 1914, ch. 41. 1937, ch. 26. Res. No. 17, May 19, 1958. Res. No. 52, 2–3–87.)

Section 16. General Powers.

The council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the state of Maryland or this Charter as it may deem necessary for the good government of the town; for the protection and preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents and employees of the town and visitors thereto and sojourners therein. (1906, ch. 458, sec. 69. Res. No. 3, December 27, 1955.)

Section 17. Specific Powers. (See note (1))

(a) In addition to the general powers referred to in Section 16 of this Article, the council shall expressly have the power to pass ordinances for the specific purposes enumerated in Article 23B, Section 22 of the Maryland Municipal Corporations Charter Act and enumerated in any other State law pertaining to the Town of Easton or to municipal corporation [corporations] generally.

(b) The council of the Town of Easton may purchase or acquire by eminent domain or gift or by any other means such properties as the council of the town may believe to be of historical or architectural significance and may maintain, renovate, restore, or repair buildings acquired and may sell, lease, rent, or retain the same preserving in so far as reasonably possible the exterior architectural appearance for the benefit of the overall historical appearance of the Town of Easton, which renovation, repair and restoration is believed by the council of the Town of Easton to be for the overall public good of the community, which renovation, repair, and restoration may be under taker [undertaken] upon negotiated contracts.

(c) The Council of the Town of Easton may provide for the establishment and maintenance of an ambulance service serving the Town, which ambulance service may be part of the Easton Volunteer Fire Department, Inc. The Council of the Town of Easton shall further have the power to contribute funds to support an ambulance service or ambulance services serving the Town. (Res. No. 45, 11/17/75; Res. No. 5222, October 5, 1990.)

Section 17–A. Power to regulate public streets and ways.

The town may:

- (1) Establish, regulate, and change from time to time the grade lines, width, and construction materials of any town public street or way or part thereof, bridges, curbs, and gutters.
- (2) Grade, lay out, construct, open, extend, and make new town public streets or ways.
- (3) Grade, straighten, widen, alter, improve, or close up any existing town public street or way or part thereof.
- (4) Pave, surface, repave, or resurface any town public street or way or part thereof.
- (5) Install, construct, reconstruct, repair, and maintain curbs and/or gutters along any town public street or way or part thereof.
- (6) Construct, reconstruct, maintain, and repair bridges.
- (7) Name town public streets or ways.
- (8) Have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof. (Res. No. 32, 1/6/69.)

**Section 18. Power of eminent domain.**

The council shall have power to condemn land or property for any public purpose, including but not limited to parks, recreation areas, playgrounds, municipal auditoriums and off-street parking areas.

**Section 19. Limitation on sale and purchase of property – Approval of voters.**

(Repealed by Resolution No. 49, 12–28–83.)

**Section 20. Same – Municipally owned public utilities; approval of voters.**

(a) The limitation set forth in Section 19, Article II, of this Charter shall not apply to purchases for, or additions to, municipally owned public utilities after such proposed purchases have been recommended by the Easton Utilities Commission and approved by the council.

(b) The town shall have complete power and authority to own or finance any interest in real or personal property for use as part of or in connection with any municipally owned public utility, within or without its corporate limits or any designated service area, including, but not by way of limitation, an interest in any gas or electric plant.

(c) No municipally owned public utility shall be sold, leased or in any other manner disposed of, nor (notwithstanding general authority may elsewhere in the Charter be conferred) shall the council contract with or grant a franchise, or other license to, any individual, company, or present or prospective corporation, for the performance of any public service which may not, or likely hereafter be brought in commercial or other competition with any municipal utility now owned by the town or likely to be created, without the previous approval of three–fourths [fourths] of all the registered voters of the town, as evidenced at a special election held for that specific purpose, after due publication of all the details and conditions of the proposition by newspaper advertisement in some newspaper published in the Town of Easton once in each of four successive weeks, the last insertion being at least ten days before the date fixed for such election. The foregoing limitations shall not be construed in any way to limit the authority of the town to acquire property interests in common with any privately owned public utility for the purpose of securing an entitlement to a portion of the output or production of the jointly or commonly owned facilities for the benefit of the customers of any of the town's municipally owned public utilities, or to contract with any such utility to permit it to operate any jointly or commonly owned plant or facilities. (P.L.L. 1888, Art. 21, sec. 41. 1860, Art. 20, sec. 30. 1906, ch. 458, sec. 41. 1927, ch. 19, Res. No. 16, May 19, 1956; Res. No. 40, § 1, May 20, 1974.)

**Section 21. Issuance of revenue bonds for municipally owned public utility property; terms; conditions.**

(a) In addition to its other powers, the Town of Easton may provide by resolution or ordinance from time to time for the issuance and sale of revenue bonds of the town for the purpose of financing any part of all of the cost of construction, reconstruction, acquisition, improvement, extension, alteration, modernization, planning, maintenance and repair of any

municipally owned public utility property, facility or project, including the cost of all interest in property acquired in connection therewith, any financing charges and interest prior to, during and for one year after completion of construction, financial, architectural, consulting, engineering and legal services, plans, specifications, surveys, estimates, feasibility reports, direct and indirect, labor, materials, equipment and administrative expenses, and any other expenses incidental thereto, such bonds to be payable as to both principal and interest solely from the revenues of any portion or all of the property, facilities or projects of any municipally owned public utility or utility department of the Town of Easton or the Easton Utilities Commission. Such bonds shall not constitute an indebtedness of the Town of Easton to which its faith and credit or taxing power are pledged and all such bonds shall contain on the faces a statement to that effect.

(b) The town shall have absolute discretion by resolution or ordinance to determine with respect to the bonds of a [an] issue: (i) the date of [or] dates of issue; (ii) the date or dates an [and] amount or amounts of maturity, provided only that no bond of any issue shall mature later than forty (40) years from the date of its issue; (iii) the rate or rates of interest payable thereon and the date or dates of such payment; (iv) the form or forms, denomination or denominations, manner of execution (which may be by facsimile) and the place or places of payment thereof, and of the interest thereon, which may be at any bank of [or] trust company within or without this state; (v) whether such bonds or any part thereof shall be made redeemable before maturity and, if so, upon what terms, conditions, and prices; (vi) provisions for issuance in coupon or in registered form, or both, and for the registration of the principal only of the bonds having coupons attached, and for the reconversion of bonds into coupon form if any such bonds have been registered as to both principal and interest and the replacement of bonds which become mutilated or are lost or destroyed; and (vii) any other matter relating to the form, terms, conditions, issuance and sale and delivery thereof.

(c) In case any officer whose signature or a facsimile of whose signature appears on any bonds or coupons shall cease to be such officer before the deliver of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

(d) The bonds shall be exempt from the provisions of §§ 9, 10 and 11 of Article 31 of the Annotated Code of Maryland, and the town may sell such bonds in such manner, either at public or at private sale, and for such price as it may determine.

(e) If the proceeds of the bonds of any issue shall, by reason of increased construction costs or error in estimates or otherwise, be less than the amount required for the purpose for which such bonds are authorized, additional bonds may in like manner be issued to provide the amount of such deficiency and shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of such bonds shall exceed the amount so required, such excess shall be deposited to the credit of any reserve fund for such bonds or, if so provided in any trust agreement securing such bonds, may be applied to the cost of any additional project.



(f) The town may also provide by resolution or ordinance for the issuance and sale of its revenue refunding bonds for the purpose of refunding any revenue bonds issued under the provisions of this section, including the payment of any redeemed premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and, if deemed advisable by the town, for either or both of the following combined additional purposes: (i) constructing improvements or extensions to or enlargement of any utility facility or project and (ii) paying all or any part of the cost of any additional utility facility or project. The issuance of such bonds and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the town in respect thereto, shall be governed by the provisions of this section relating to revenue bonds, insofar as they may be applicable.

(g) The town may also provide by resolution or ordinance: (i) for the issuance, prior to the preparation of definitive bonds, of interim certificates or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery; and/or (ii) for the issuance and sale of its bond anticipation notes, the principal of and interest on said notes to be made payable to the bearer or registered holder thereof out of the first proceeds of sale of any bonds issued under this section. Bond anticipation notes may be issued in series as funds are required and provision may be made for renewal of such notes at maturity with or without resale. The issuance of such notes and the details thereof, the rights of the holders thereof, and the rights, duties and obligations of the town in respect thereto, shall be governed by the same provisions of this section relating to the issuance of bonds in anticipation of the sale of which the notes were issued, insofar as those provisions may be applicable.

(h) (i) Revenue bonds issued under the provisions of this section may be secured by a trust agreement by and between the town and a corporate trustee, which may be any trust company, or bank having trust powers, within or without the state. Such trust agreement may pledge or assign all or any part of the revenues from or arising in connection with any of the property, facilities or projects of any municipally owned public utility. Any such trust agreement, or resolution or ordinance authorizing the issuance of bonds, may contain such provisions for the protection and enforcement of the rights and remedies of bondholders as may be deemed reasonable and proper, including covenants setting forth the duties of the town or the utilities commission in relation to the financing or development of any utility property, facility or project and the extension, enlargement, improvement, maintenance, operation, repair and insurance of any such utility property, facility or project and the custody, safeguarding and application of moneys. Such trust agreement may set forth the rights and remedies of the bondholders and of the trustee and may restrict the individual right of action by bondholders. Such trust agreement may contain such other provisions as the town may deem reasonable and proper for the security of the bondholders, including, without limitation, covenants pertaining to the issuance of additional parity bonds upon conditions stated therein consistent with the requirements of this section. All expenses incurred in carrying out the provisions of any such trust agreement may be treated as a part of the cost of the operation of any property, facility or project in connection with which such bonds have been issued.

(ii) The proceeds of the sale of bonds shall be paid to the trustee under any trust agreement securing such bonds and shall be disbursed in such manner and under such restrictions, if any, as may be provided in such trust agreement.

(i) Any holder of bonds issued under this section or of any coupons thereto appertaining, and the trustee, except to the extent the rights herein given may be restricted by the trust agreement, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of this state or granted hereunder or under the trust agreement or the resolution or ordinance authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by this section or by the trust agreement to be performed by the town or by any officer thereof, including the fixing, charging and collecting of rentals, rates, fees, tolls and other charges. (Res. No. 41, § 1, 8-6-74.)

### ARTICLE III The Mayor

#### Section 1. Election generally; term.

The mayor shall be elected as hereinafter provided and shall hold office for a term of four years and until his successor is elected and qualified. The mayor holding office at the time this Charter becomes effective shall continue to hold office for the term for which he was elected and until his successor takes office under the provisions of this Charter. (1906, ch. 458, sec. 62. 1908, ch. 41, sec. 62 (p. 1015). 1914, ch. 41.)

#### Section 2. Qualifications.

The mayor shall be a resident of the Town of Easton for at least thirty days immediately preceding his taking office and shall be a registered voter of the Town at the time of the filing of his nomination petition for office. The mayor shall reside within the Town limits during the term of his office. (1906, ch. 458, sec. 62. 1908, ch. 41, sec. 62 (p. 1015). 1914, ch. 41. Res. No. 51, 2-3-87.)

#### Section 3. Salary.

The mayor shall receive an annual salary as set from time to time by ordinance passed by the council in the regular course of business; provided, however, that no change shall be made in the salary for any mayor during the term for which he was elected. (1906, ch. 458, sec. 67. 1910, ch. 365, sec. 67. 1937, ch. 26. Res. No. 16, May 19, 1958.)

#### Section 4. Powers and duties.

(a) *Generally.* The mayor shall see that the ordinances of the town are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the town government. The mayor shall be responsible for the administration of the town's affairs to the council and to the voters of the town.

(b) *Annual report.* The mayor shall prepare or cause to be prepared annually, on the first Monday in October, a report to the council in the name of the government of the Town of Easton. This report shall deal with the financial condition of the town, and with the accomplishments of the town and its various department [departments] and agencies. In said report the mayor shall make whatever recommendations as he deems proper for the public good and welfare of the town. The report shall be published and printed for distribution as may be deemed advisable buy [by] the council.

(c) *Appointment.* The mayor, by and with the advise [advice] and consent of the council, shall appoint a town attorney, chief of police, town engineer, town clerk, and supervisor of elections, and such other officers as the ordinances of the town may provide. The mayor shall give the council at least twenty (20) days advance written notice of the names and offices to which he is proposing to make appointments before actually presenting said appointments to the council.

(d) *Veto.* The mayor shall have the power to veto ordinances and resolutions passed by the council, as provided in Section 10 of Article II of this Charter; provided, where any ordinance or resolution duly passed by the council shall embrace different items of appropriations, the mayor may approve the provisions thereof relating to one or more items of appropriations or involving expense to the town and disapprove the others and in such case those which he approves shall become effective and those which he shall not approve shall be reconsidered by the council in the manner and form as hereinbefore prescribed in Article II of this Charter.

(e) *Supervision and control of finances.* The mayor shall have complete supervision over the financial administration of the town government. He shall prepare or have prepared annually a budget and submit it to the council. He shall supervise the disbursement of all moneys and have control over all expenditures to assure that budget appropriations are not exceeded.

(f) *Other powers and duties.* The mayor shall have such other powers and perform such other duties as may be provided by this Charter or as may be required of him by the council, not inconsistent with this Charter. (1906, ch. 458, sec. 67. 1910, ch. 365, sec. 67. 1937, ch. 26. Res. No. 17, May 19, 1958; 1906, ch. 458, sec. 71. 1910, ch. 365, sec. 71 (p. 1171). 1914, ch. 54; 1910, ch. 365, sec. 71A (p. 1172); Res. No. 14, May 22, 1956; Res. No. 44, 9–15–75.)

## ARTICLE IV

### The Easton Utilities Commission – Public Utilities

#### Section 1. The Easton Utilities Commission – Appointment; term; vacancy.

The Easton Utilities Commission shall consist of three individuals, appointed by the mayor by and with the advice and consent of the council. Two members of the Commission shall be residents of the town; however, the mayor, with the advice and consent of the council, may appoint one person to the Easton Utilities Commission who is a resident of the electric service

area of the Easton Utilities Commission. All members of the Easton Utilities Commission shall serve for a term of six years and no member shall serve more than two terms. The limitation contained in this Section regarding the number of terms which a member shall be entitled to serve shall not apply to any member of the Easton Utilities Commission serving on January 1, 1990. If a vacancy shall occur at any time by reason of death, resignation, removal from office or otherwise, the vacancy shall be filled in the same manner as originally provided herein. (1914, ch. 263, sec. 97EE. Res. No. 23, December 8, 1959; Res. No. 5217, September 25, 1990.)

Section 2. Same – Powers and duties.

In addition to such other powers and duties as this Charter or the council may provide, the powers and duties of the commission shall be as follows:

(a) The Commission shall operate, manage and maintain the municipal sewerage, water, electric, gas, cable communications systems, including a cable television system, and all or any other revenue producing utilities which are now owned or may be hereafter constructed or acquired by the Town.

(b) The commission shall have the full charge of the operation, management and maintenance of all revenue producing utilities of the town as aforesaid, including the power to make contracts in the name of the town, to sue in the name of the town for the collection of any and all indebtedness which may be due said commission, or for the performance of contracts made with the commission.

(c) The commission shall have power to purchase material, employ all such assistants, skilled and unskilled, and labor as may be necessary for the proper performance of its duties; and to fix the compensation of all such assistants employed by the commission.

(d) The commission shall make such rules and regulations for the management of the various utilities under its charge and for their own government as it may deem proper.

(e) The commission shall have power to make extensions, additions or improvements to the utility plants or systems; provided, the approval of the council shall be first secured where the cost of such extension, addition or improvement shall exceed Five Thousand (\$5,000.00) dollars; and provided further, that where the aggregate cost of any extension, addition or improvement shall exceed Two Thousand (\$2,000.00) dollars the commission shall secure competitive bids for the purchase of all materials for the use of any and all the plants or systems under its control, including fuel, and the commission shall have the right to accept or reject any and all bids based on the specifications upon which the respective bids are invited; and provided further, where the aggregate cost of any extension, addition or improvement is less than Two Thousand (\$2,000.00) dollars the commission shall receive and review at least three comparative prices of said items before making said purchase.

(f) The commission shall have power to sell the products and services of the several utilities, as well as any appliances relating thereto, which are under its control and to fix and revise rates therefor, which shall become effective upon approval by the council and when

required by the Maryland Public Service Commission and the Federal Communications Commission, provided, that the Easton Utilities Commission shall give at least fifteen (15) days previous notice by publication in one or more newspapers published in the town of the proposed revision of rates and grant such hearings, when practicable, as may be desired by the citizens of the town. (1914, ch. 263, sec. 97EE. Res. No. 23, December 8, 1959; 1914, ch. 263, sec. 97GG. 1931, ch. 476. 1933, ch. 493. 1937, ch. 267. 1939, ch. 335. Res. No. 1, July 12, 1955; 1914, ch. 263, sec. 97II; 1914, ch. 263, sec. 97MM; 1916, ch. 302, sec. 97NN; Res. No. 33, 8/17/70; Res. No. 5615, 6/9/98.)

Section 3. Same – Salary and meetings.

The salary of each commissioner shall be of such sum and payable in such manner as determined by the council; provided, that such salary shall be apportioned on the books and in the report of the various utility plants or systems in proportion to the gross income of the respective systems. The commission shall meet for the transaction of business at least once a month and at such other times as it may be deemed necessary. (Res. No. 16, May 19, 1958.)

Section 4. Same – Council examination of records; removal of commissioners; appeal.

The council shall at all times have the right to examine, or have examined, the books and accounts of the commission and have the power to remove any member of the commission, against whom charges may be filed and proved, by formal resolution voted for by a majority of the whole council and approved by the mayor; provided, however, that should a contingency arise whereby such action is taken the member thus removed shall have the right within thirty days from the date of approval of said resolution to appeal to the Circuit Court for Talbot County, and in the event the said Court shall hold that such charges have not been properly proved and that sufficient cause has not been shown for the removal of said appealing member or members, the said Court shall by its order reinstate said appellant or appellants as members [member] or members of said commission and allow, in the discretion of the Court, reasonable counsel fees to be paid by the town to the attorney or attorneys representing the reinstated member or members of said commission. (1914, ch. 263, sec. 97JJ. 1931, ch. 476, sec. 227. 1931, ch. 476, sec. 1.)

Section 5. Same – Investment of reserve funds.

The commission, with the approval of the council, shall have power to invest or re-invest any funds accumulated as a reserve, for depreciation or replacement of any of its departments, in any of the following types of securities: (a) bonds and other obligations of the United States; (b) bonds of any corporation organized under an Act of Congress, if such corporation is an instrumentality of the United States, and provided further that such bonds are the direct obligation of the United States in payment of both principal and interest; (c) bonds of the State of Maryland; (d) bonds or other obligations of the Town of Easton, including bonds issued primarily for any one of the public utilities managed by said commission; provided, that such investments as held by said commission of the bonds of the electric, gas, water and sewer departments or divisions of said utilities shall not exceed the sum of Twenty-Five Thousand (\$25,000.00) dollars in par value and the bonds of each of said departments or divisions, and

such investments as held of all other bonds and obligations of the Town of Easton, shall not exceed in the aggregate and [an] additional amount of Twenty-Five Thousand (\$25,000.00) dollars. (1935, ch. 103, sec. 1.)

Section 6. Same – Sale of investments.

The commission, in its discretion, may sell any of the securities obtained by it; provided, that the formal approval of the council shall first be had before any such securities may be sold at a lower price than that paid therefor by the commission. (1935, ch. 103, sec. 1.)

Section 7. Same – Street opening powers.

The commission shall have the right to open streets for water, sewer and gas mains, and for electric poles or conduits, or for other public utility purposes, without special permits, and the commission is required to have the opening carefully guarded to avoid accident and to restore, and comply with the requirements of the town as to restoring, the roadbed or sidewalk to a safe condition. (1914, ch. 263, sec. 97KK.)

## **ARTICLE V**

### **Elections, Registrations and Nominations**

Section 1. Eligibility to vote.

Every resident of the Town of Easton who:

- (a) is eighteen (18) years of age or older;
- (b) is a citizen of the United States;
- (c) has been a resident of the State of Maryland for the thirty (30) day period immediately preceding the day of the election in which he seeks to vote;
- (d) is otherwise qualified under the laws of the State of Maryland to cast a ballot in a general election in the State of Maryland; and
- (e) is a registered voter of the Town of Easton; is entitled to vote at a Town election. (Res. No. 53, 2–3–87.)

Section 2. Supervisor of Elections.

The Mayor, by and with the consent of the Council, shall appoint for a four (4) year term a person who is a registered voter of the Town of Easton to act as Supervisor of Elections. The Supervisor of Elections shall not otherwise be employed by the Town of Easton and shall receive such compensation as the Mayor and the Council from time to time deem appropriate. The Supervisor of Elections shall have the duties and responsibilities set forth in this Article and in

the ordinances of the Town of Easton relating to the conduct of elections and the registration of voters. (Res. No. 53, 2-3-87.)

Section 3. Assistant Supervisors of Elections.

The Supervisor of Elections shall have the authority to appoint no less than three (3) nor more than seven (7) Assistant Supervisors of Elections to assist him in the carrying out of his duties for an election of the Town of Easton. The Assistant Supervisors of Elections shall be chosen not less than thirty (30) days prior to the date of an election and shall be compensated for their services in such amount as the Mayor and Town Council deem appropriate. (Res. No. 53, 2-3-87.)

Section 4. Method of registration of voters.

(a) The Supervisor of Elections, or an Assistant Supervisor of Elections, shall sit in the council room during the hours of 2:00 P.M. to 5:00 P.M. and from 7:00 P.M. to 9:00 P.M. on the third and fourth Wednesdays and Thursdays in March in those years in which general elections are to be held for the purpose of registering voters in the Town and revising the voter registration list. In addition, the registration list shall be kept open during normal business hours for the purpose of registering voters commencing the day following each election and continuing until the fifth Monday preceding the date of any special election and fifth Monday preceding the date of any general election in those years in which a general election shall be held. A person may register to vote in the period between the fifth Monday prior to an election; however, he shall not be eligible to cast a ballot in said election. The Supervisor of Elections, or an Assistant Supervisor, shall register the names on a card or loose leaf sheet provided therefor, and shall record the name, street address, date of application, and Ward designation of each applicant.

(b) The Supervisor of Elections shall establish and administer a voter registration by mail program. This program shall be administered in accordance with the provisions of this Article, the laws of the State of Maryland applicable to registration by mail programs and the regulations of the State Administrative Board of Election Laws applicable to registration by mail programs.

(c) Prior to January 31, 1987, the Supervisor of Elections shall cause to be made an examination of the registry of voters registered to vote in general elections for Talbot County and the registry of voters of persons registered to vote in the Town of Easton in order to determine the names and addresses of persons registered to vote for general elections in Talbot County who are not registered to vote for elections in the Town of Easton. The Supervisor of Elections shall cause a form for registration by mail to be delivered by first class mail, postage prepaid, to each such person. The registration by mail form shall be accompanied by a notice informing each person that he or she is not registered to vote in an election conducted by the Town of Easton and the steps necessary to accomplish registration.

(d) The Supervisor of Elections is authorized to make registration by mail forms available to the Board of Supervisors of Elections for Talbot County and such other persons or

organizations which meet the criteria set forth by the State Administrative Board of Election Laws for distribution of voter registration applications.

(e) Any person having reached his seventeenth birthday who will be eighteen years of age on or before the next succeeding general or special election shall be entitled to register to vote prior to said election according to the provisions of this Article.

(f) The Supervisor of Elections, or an Assistant Supervisor of Elections, shall administer to any person who personally applies to register the following oath or affirmation: "You do solemnly swear or affirm that you will fully and truly answer all such questions as shall be put to you touching your place of residence, name, place of birth, any criminal conviction, your qualifications as a voter, and your right as such to register and vote under the laws of this State." Any registration by mail form shall contain a similar oath or affirmation thereon. (Res. No. 53, 2-3-87.)

#### Section 5. Cancellation of registration for failure to vote.

(a) If a registered voter has been registered but has not voted at least once in a general or special election of the Town of Easton within the ten (10) preceding calendar years, it shall be the duty of the Supervisor of Elections, unless cause to the contrary be shown, to cause the registration of that voter to be cancelled by removing the name of the voter from the voter registration list. A notice of this action and the reason therefor shall be sent to the last known address of the voter. This notification shall inform the voter of his right to challenge his removal from the voter registration list as set forth in Section 6 of this Article. The notice shall also state that the voter may vote in a future election only if he registers again and shall set forth the procedures for registration. The Supervisor of Elections shall not cancel the registration of a person within ninety (90) days of the date of an election. (Res. No. 53, 2-3-87.)

#### Section 6. Challenges of Voters and correction of lists; Appeal.

(a) Any voter may file with the Supervisor of Elections an objection in writing to the registration of any person with whom such voter has reason to believe is not eligible to vote, or a request for the addition of any person whose name has been erroneously omitted from the registration list, or erroneously assigned to an incorrect Ward. Such a challenge, application for addition or correction, must be made no later than five (5) working days after the registration list is delivered by the Supervisor of Elections to the Town Office prior to an election.

(b) Any application for the correction of the voting lists or a challenge of the right of a person named on such list to vote shall be made in writing, under oath and of the own personal knowledge of the voter signing such application. The application shall state the reason for the application or challenge. Thereafter, the voter so applying or challenging shall be required to appear in person at the time of the hearing on the application or challenge as provided for in subsection (d) of this section.

(c) Persons whose right to register have been challenged and persons whose names are alleged to have been erroneously omitted or erroneously assigned to a Ward other than their



place of residence shall be given written notice sent by mail addressed to the voter at the last address given on his registration form. The voter so notified may appear in person or by counsel at the hearing held on the application or challenge.

(d) The Supervisor of Elections shall conduct a hearing for the purpose of ruling on the application or challenge. The hearing shall be open to the public and scheduled as soon as is practicable after receipt of the application or challenge. All persons who testify at such hearings shall testify under oath and be subject to cross-examination by either party thereto. All cases shall be decided immediately after the hearing and the decision of the Supervisor of Elections shall be in writing.

(e) Any person who feels aggrieved by the Supervisor of Elections in ruling upon an application or challenge may file an appeal to the Circuit Court for Talbot County in the same manner as is provided for appeals from the Boards of Registry in election laws of the State of Maryland. Such an appeal must be filed no later than fifteen (15) days before a special or general election. (Res. No. 53, 2-3-87.)

#### Section 7. Delivery and inspection of registration list.

Not later than thirty (30) days prior to an election, the Supervisor of Elections shall deliver to the Town Office a complete list of registered voters eligible to cast ballots. The voters shall be listed by Ward. This list shall be maintained at the Town Office during normal business hours during which said list shall be made available to any person for inspection. The Town Clerk shall provide copies of said list to any person, provided that any person receiving said list shall compensate the Town for the reasonable expense of copying said list. (Res. No. 53, 2-3-87.)

#### Section 8. Election of Mayor, President of the Council and members of the Council.

The voters of the Town shall, on the first Monday in May in the year 1987 and on the first Monday in May in each fourth year thereafter, elect a mayor whose term of office shall be for four (4) years and until his successor is elected and qualified. The Mayor shall be elected at large from the entirety of the Town. On the first Monday of May in the year 1987 and on the first Monday in May in each fourth year thereafter, the voters of the First Ward and the Third Ward, respectively, shall elect a council member from each ward whose term of office shall be for four (4) years and until his successor is elected and qualified. On the first Monday in May of the year 1989, the voters of the Town shall elect a president of the Town Council and Council members from the Second and Fourth Wards. The Town Council President shall be elected at large from the Town of Easton and his term shall be for four (4) years and until his successor is elected and qualified. On the first Monday in May in the year 1989 and every four (4) years thereafter, the voters of the Town who are residents of the Second and Fourth Wards, respectively, shall each elect a council member to represent their ward whose terms shall be for four (4) years and until their respective successor is elected and qualified. (Res. No. 53, 2-3-87.)

Section 9. Nominations.

Only the names of persons nominated in accordance with the provisions of this Article shall be placed on the ballots as candidates for public elective offices of the Town of Easton. No person shall accept nomination to more than one elective public office or hold more than one (1) elective public office at any one time. (Res. No. 53, 2-3-87.)

Section 10. Method of nomination.

All nominations for public office must be filed with the Supervisor of Elections on or before the first Monday of April in the year of an election. The manner of nominating candidates shall be as follows: every aspirant for the office of mayor or president of the council, or someone acting on his behalf, shall on or before the last day for receiving nominations file with the Supervisor of Elections a nomination petition for said office signed by at least thirty (30) qualified voters of the Town and, in like manner, every aspirant for the office of councilman, who shall be a representative of a ward, or someone on his behalf, shall on or before the last day in which nominations may be filed as aforesaid, file with the Supervisor of Elections his nominating petition for the said office signed by at least fifteen (15) of the qualified voters of the ward from which he is nominated. If it appears that a name appears more than once on a petition, it shall be counted but once; however, no name shall be disqualified or stricken from a nominating petition because it appears on a petition for more than one candidate for the same office. No name shall be counted if it is demonstrated to the satisfaction of the Supervisor of Elections, that the signature was not signed by the person designated, or that the person designated did not actually live in the ward designated at the time of the filing of the petition. (Res. No. 53, 2-3-87.)

Section 11. Vacancies among candidates.

If a candidate dies or withdraws after the deadline for filing petitions, but prior to an election, the resulting vacancy may be filled by a petition containing at least one-half of the signatures necessary for filing an original petition and said petition or petitions may be filed with the Supervisor of Elections at any time prior to the printing of ballots. In the case of the death or resignation of all candidates to an office, the Supervisor of Elections shall so advise the Council who shall by ordinance order a special election. (Res. No. 53, 2-3-87.)

Section 12. Districting and apportionment.

It shall be the duty of the Council by ordinance to divide the Town into four (4) wards in such a manner so as to reflect population equality. (Res. No. 53, 2-3-87.)

Section 13. Poll watchers – Selection.

Each candidate for elective office may select two (2) persons, both of whom shall be qualified voters of the Town, to serve as poll watchers and each candidate shall submit to the Supervisor of Elections a list of poll watchers at least three (3) days prior to the election. The

poll watchers shall not be employees of the Town of Easton and shall serve without compensation. (Res. No. 53, 2-3-87.)

Section 14. Duties of poll watchers.

Each poll watcher shall have the right to observe every aspect of the conduct of an election. Each poll watcher shall be assigned a position at the polling place near the Supervisor of Elections or Assistant Supervisors of Elections, inside the registration or polling area so as to enable them to see each person as he offers to register or vote. The poll watchers shall witness the canvass, including absentee ballots, or the ascertainment and transcription of votes recorded on voting machines. Poll watchers shall have the right to enter the polling place one-half hour before the opening of the polls. It shall be unlawful for any poll watcher to inquire or attempt to ascertain for which candidate any voter intends to vote, or has voted, or to converse in the polling place with any voter or to assist any voter in the preparation of a ballot or in the operation of the voting machine. Any poll watcher who violates the restrictions set forth herein may be lawfully ejected by the Supervisor of Elections and is subject to penalties provided for in this Article. (Res. No. 53, 2-3-87.)

Section 15. Poll watchers – Referenda.

Each poll watcher shall serve at any and all referenda which may be held within two (2) years of their selection. (Res. No. 53, 2-3-87.)

Section 16. Voting places.

It shall be the duty of the Supervisor of Elections to provide for each Town election a suitable place or places for voting. The Supervisor shall provide suitable ballot boxes and suitable ballots and/or voting machines and all necessary equipment for use in the regular or special Town elections, and the expenses thereof shall be paid for by the Town. (Res. No. 53, 2-3-87.)

Section 17. Notice of elections.

The Supervisor of Elections shall, at least twenty-five (25) days before any regular or special election, unless otherwise provided, give notice to the voters of the Town in one or more newspapers published in the Town of Easton of the day and hours and the place or places of holding such election, and such other information as may be necessary or advisable to enable the voters to intelligently cast their ballots. (Res. No. 53, 2-3-87.)

Section 18. Ballots – Requirements generally.

After the time has expired for presenting nomination petitions, the Supervisor of Elections shall prepare the official ballots and shall cause to be printed thereon the names in alphabetical order of the nominees for the respective offices to be filled and he shall cause the names of the candidates for the same office to be grouped together. No party or designation of any candidate shall be printed or otherwise indicated upon the ballot. Whenever there is any

question submitted to the voters for their decision, the questions shall be placed upon the ballot in full and immediately below the question, there shall appear, in the following order, the words “yes” and “no” and to the left of each square in which by making a cross (X) the voter may cast his vote. (Res. No. 53, 2–3–87.)

#### Section 19. Posting of sample ballot.

At least four (4) days before any election, the Supervisor of Elections shall conspicuously and securely post accurate sample copies of the ballots to be used in the approaching election in one or more public places. One sample ballot shall be placed upon the exterior of the building or buildings in which polls will be held, so that the same can be readily seen and examined by pedestrians passing on the street on which the polling place is located. (Res. No. 53, 2–3–87.)

#### Section 20. Official Ballot.

Ballots other than those printed by the Supervisor of Elections shall not be cast or counted in any election. (Res. No. 53, 2–3–87.)

#### Section 21. Official Ballots – Possession by Supervisor of Elections.

The official ballots shall be printed and in possession of the Supervisor of Elections at least ten (10) days before election day. (Res. No. 53, 2–3–87.)

#### Section 22. Posting of sample ballot – Mistakes and challenges.

A correct list of the names of the candidates as they are to appear on the ballot shall be furnished on demand by the Supervisor of Elections to the candidates or their authorized agents. If any mistakes be discovered, it shall be the duty of the Supervisor of Elections to correct the same without delay, and if said Supervisor of Elections shall decline or refuse to make the correction, then upon the sworn petition of any qualified voter who would have the right to vote for such candidate at the approaching election, the Circuit Court for Talbot County may, by order, require said Supervisor of Elections to correct such error or to show cause why such error should not be corrected. (Res. No. 53, 2–3–87.)

#### Section 23. Opening and closing hours of polls.

For all Town elections, the polls shall remain open from 7:00 A.M. to 8:00 P.M. on the same day. (Res. No. 53, 2–3–87.)

#### Section 24. Voting procedure.

All voting in the Town of Easton, other than by absentee ballot, shall be performed on voting machines and the applicable Maryland State law shall govern the voting procedure with regard to the use of said machines in all elections in the Town of Easton. (Res. No. 53, 2–3–87.)

Section 25. Electioneering and loitering near polls prohibited.

There shall be no canvassing or electioneering in said polling place or places or within one hundred feet of the same, nor shall anyone linger, be or remain within said distance of one hundred feet of the polls except election officials and peace officers, unless it be in approaching the polls to vote, or in passing along the streets in the usual and orderly manner of travel. (Res. No. 53, 2-3-87.)

Section 26. Board of Canvassers – Appointment; term; vacancy.

The Mayor, upon advice and consent of the Council, shall select three (3) registered voters of the Town who shall serve as a Board of Canvassers to serve for two (2) years from the date of their selection and the Board of Canvassers shall serve without pay. In the case of death, resignation or failure to qualify of any candidate to said Board, the Mayor and Council shall select others to fill the vacancies thus occasioned by the same manner as hereinabove provided. If it becomes necessary for the Board of Canvassers to perform any of its duties between regular meetings of the council and there is a vacancy on said Board, the Town Clerk shall call a meeting of the Town Council by giving twenty-four (24) hours notice to fill such vacancy or vacancies. (Res. No. 53, 2-3-87.)

Section 27. Board of Canvassers – Organization; powers; duties; appeal.

The Board of Canvassers shall organize by electing one of their members as president and one as clerk, and shall have such powers and duties as boards of canvassers are granted under the general laws of the State of Maryland so far as receiving returns and canvassing votes is concerned and the same right of appeal from the Board of Canvassers to the Circuit Court for Talbot County shall be had as is provided under the election laws of the State of Maryland from the Board of Canvassers therein provided. All cases of contested election of any of the offices shall be decided by the Circuit Court for Talbot County as is provided in cases of contested elections under the general election laws of the State of Maryland. In addition to the general powers set forth above, the Board of Canvassers shall have the particular powers, duties and responsibilities set forth in this Article. (Res. No. 53, 2-3-87.)

Section 28. Election results – Counting of votes and certification.

As soon as the polls have closed following any Town election, the Supervisor of Elections, in the presence of poll watchers, if any, and of the Board of Canvassers shall proceed to ascertain and transcribe the votes recorded on each voting machine and shall certify the same to the Board of Canvassers before 12:00 Noon on the Tuesday next following the election. Not earlier than 4:00 P.M. on that same day, the Board of Canvassers, in the presence of poll watchers, if any, shall proceed to count, certify and canvass the absentee ballots cast in the election. (Res. No. 53, 2-3-87.)

Section 29. Election results – Issuance of election certificates.

The said Board of Canvassers shall issue a certificate of election to each official elected, and issue two certificates, one to the Mayor and one to the Council, whenever any proposition is submitted to the vote of the people, showing the vote for and against, which certificate shall be on blanks prepared by the Town Clerk, and shall contain a plain statement of the facts and be signed by a majority of said Board of Canvassers. (Res. No. 53, 2–3–87.)

Section 30. Bribery of voters prohibited.

Any person who shall bribe or attempt to bribe, coerce or intimidate any voter to vote or not to vote for or against any person or proposition, or to vote or not to vote at any election shall be guilty of a misdemeanor. (Res. No. 53, 2–3–87.)

Section 31. Absentee ballot provisions.

A person who is otherwise qualified to vote in the Town of Easton and who may be absent for any reason from the Town of Easton on any election day or is unable to vote due to illness, disability, or emergency reasons may vote by absentee ballot. The procedure for absentee balloting in the Town of Easton shall be that procedure described for absentee voting in the State Election Code, except as follows:

a. Any reference to Tuesday in the State Election Code shall be Monday for the purpose of the Town election.

b. Any reference to Wednesday shall be Tuesday for the purpose of the Town election.

c. The instructions for the casting of absentee ballots shall be prescribed by the Supervisor of Elections.

d. The Supervisor of Elections shall prescribe the size, form and content of the absentee ballot, material envelopes, providing for a “covering envelope,” a “ballot envelope,” and a “return envelope.”

e. Absentee ballots shall be counted, certified and canvassed in accordance with the provisions of this Article. (Res. No. 53, 2–3–87.)

Section 32. Preservation of ballots after election.

All ballots used in any Town election shall be preserved by the Supervisor of Elections for at least six months after the election. (Res. No. 53, 2–3–87.)

Section 33. Violations.

Any person who is convicted of violating a provision of this Article shall be guilty of a misdemeanor and subject to a fine of One Thousand Dollars (\$1,000.00) and for imprisonment for six (6) months. (Res. No. 53, 2–3–87.)

Section 34. Interpretation – Further authority of Town Council.

The provisions of this Article shall be interpreted to encourage the registration of voters in the Town and the participation by the citizens of the Town in the electoral processes of the Town. The Town Council is hereby authorized to enact such ordinances to provide for registration at times and places in addition to those times and places specified for registration of voters in this Article; to provide for additional public notice regarding the times and places of registration, method of registration, dates of election, etc.; or to make such further provisions as the Town Council deems appropriate in order to fulfill the purposes of this Article. (Res. No. 53, 2–3–87.)

## **ARTICLE VI**

### **Finance, Revenue and Taxation.**

Section 1. Financial supervision.

The mayor shall have complete supervision over the financial administration of the town government. The mayor may delegate, under his supervision, any of the financial powers and duties granted him by this Charter. He shall receive any assistance he requests with regard to financial matters from any town officer or employee.

Section 2. Expenditures to be authorized by council.

No public money may be expended without having been appropriated by the council.

Section 3. Fiscal year.

The town shall operate on an annual budget. The fiscal year of the town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall also constitute the tax year, the budget year, and the accounting year.

Section 4. Budget – Estimates used for preparation.

The mayor, on such date as the council may require, but at least sixty days before the beginning of any fiscal year, shall submit to the council a budget and explanatory budget message for that purpose; at such date as he shall determine, the mayor, with the assistance of such town officers and employees as he requests, shall obtain from the head of each office, department, and agency (a) estimates of revenue and expenditures for the next fiscal year, detailed by organization units and character and object of expenditures; (b) such other supporting

data as he may request; and (c) an estimate of all capital projects pending or which such office, department, or agency head believes should be under taken [undertaken] (i) within the budget year and (ii) within the four next succeeding years. In preparing the budget, the mayor shall review the estimates, shall hold hearings thereon with the head or other representative of the office, department, or agency concerned, and may revise the estimates as he deems advisable.

Section 5. Same – Message.

The budget message submitted by the mayor to the council shall explain the budget, shall contain an outline of the proposed financial policies of the town for the budget year, and shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. It shall include a statement of pending capital projects of a capital program for the next four fiscal years. Attached to the budget message shall be such supporting schedules, exhibits, and other explanatory material, in respect to both current operations and capital improvements, as the mayor shall believe useful to the council.

Section 6. Same – Contents generally.

The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form:

- (a) Comparative figures for prior fiscal year.
- (b) Detailed estimates of all anticipated revenues applicable to proposed expenditures.
- (c) All proposed expenditures.

Section 7. Same – Public record.

The budget and all supporting schedules shall be a public record in the office of the town clerk and such items shall be available for public inspection.

Section 8. Same – Public hearing.

At the meeting of the council at which the budget and budget message are submitted, the council shall determine the place and time of a meeting, regular or special, at which the budget will be considered and at which any interested person may be heard concerning the budget. The council shall give at least ten days notice of said meeting by an advertisement in one or more newspapers of general circulation in the town.

Section 9. Issuance and signing of checks.

All checks issued in payment of all municipal obligations shall be signed by the town clerk and shall be countersigned by the mayor. (1906, ch. 458, sec. 84. 1916, ch. 301.)



Section 10. Audit.

The financial books and accounts of the town shall be audited as of June 30 in each year by a competent person or persons appointed by the council. The audit shall be presented to the council and to the mayor by the first day of October. The council or the mayor may order an audit of the financial books and accounts of the town by a competent person or persons appointed by it or him at anytime it or he may deem it proper so to do. (1906, ch. 458, sec. 97B. 1910, ch. 365, sec. 97B (p. 1173). 1914, ch. 103. 1951, ch. 44, sec. 1.)

Section 11. Taxation – Taxable property; limitations.

All real property and all tangible personal property within the corporate limits of the town, or personal property which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment used shall be the same as that for State and county taxes; provided that said tax assessment shall not exceed in any one year fifty five (\$.55) cents to every one hundred dollars of assessable real property; provided, further, that said limitation shall have no application to any tax laid [paid] for the payment of principal and/or interest on any promissory notes or bonds issued by the town either before or after the adoption of this Charter. No authority is given by this Section to impose taxes on any property which is exempt from taxation by any act of the General Assembly. (1906, ch. 458, sec. 72. 1912, ch. 208. 1920, ch. 17. 1931, ch. 13, sec. 169. Res. No. 4, December 27, 1955; 1906, ch. 458, sec. 73; 1906, ch. 458, sec. 74; Res. No. 5873, April 12, 2006; Res. No. 5874, April 12, 2006.)

Section 12. Same – Industrial property.

To encourage industrial expansion and development in the Town of Easton, the council by ordinance is authorized to exempt from taxation for municipal purposes the buildings and equipment owned and operated by any manufacturing company or association within the corporate limits of the town. Any exemption from taxation under the provisions of this Section may be extended to all manufacturing companies and associations within the town engaged in the branch of manufacturing which will benefit by any such exemption; provided, that any such abatement and exemption shall be limited to a period of five years from the passage of the ordinance granting the same; the council shall keep a public record of all abatements and exemptions made by it, as aforesaid. No abatement may be made for a fiscal year after July 1 of that year. (1906, ch. 458, sec. 72. 1912, ch. 208. 1920, ch. 17. 1931, ch. 13, sec. 169. Res. No. 4, December 27, 1955.)

Section 13. Same – Agricultural property.

The Town of Easton by action of the council may exempt from taxation all agricultural property within the town or may levy a lower tax rate thereon than is levied on other property within the town. For the purposes of this Section, the term “agricultural property” shall include all unimproved land used exclusively for agricultural purposes, including any residences, barns,

stables, and similar improvements located thereon, and all farming implements and stock used in connection therewith.

Section 14. Same – Notice of new or increased assessments.

All persons or body corporate who shall be newly assessed or whose assessment shall be increased shall be notified by letter of the amount of said assessment. (1906, ch. 458, sec. 74.)

Section 15. Same – Tax year and due date; discounts; interest on overdue taxes.

The council shall make their annual levy on or before the regular meeting in June of each year, and the same shall be due and payable on the first day of July of the year of the levy; and on all taxes paid on or before the first day of September a discount of three per cent may be allowed; on the first day of October next succeeding the levy thereof taxes shall be deemed to be in arrears and interest shall be charged and collected on all taxes not then paid, and the town clerk shall take the discount from or add the interest to the tax bills regularly, in the manner aforesaid, and shall note the same upon his books and upon receipt given for taxes so paid; but the discount allowed by this Section shall not be made to any person, persons or corporate institutions, unless the whole amount of taxes due by such person, persons or corporate institutions for the current year are paid at the time of making such discount. (1906, ch. 458, sec. 80; 1906, ch. 458, sec. 97G. 1918, ch. 134. Res. No. 5, December 27, 1955; Res. No. 39, § 1, 10–15–73.)

Section 16. Same – Notice, payment and collection of overdue taxes.

Within ten days after the first day of January succeeding each levy the town clerk shall deliver or mail to the last known post office address of each delinquent taxpayer an account of his assessment and the taxes and interest due thereon, with a notice to said delinquent thereto attached, that unless payment be made in full on or before the fifteenth day of August next after the delivery of said notice that the same will be collected by process of law; and it shall be the duty of the town clerk to enforce the payment of all taxes remaining unpaid on the fifteenth day of August next after the delivery of said notice by a sale of either real or personal property. (1906, ch. 458, sec. 81.)

Section 17. Same – Liens for unpaid taxes and moneys.

(a) All taxes due and owing by any taxpayer upon real or personal property within the town shall be and constitute a lien on both said real and personal property; provided, however, that such real property may be sold to pay the delinquent taxes without regard to the existence of personal property.

(b) All sums of money due and owing to the Easton Utilities Commission for sanitary sewer, water, electric or gas rentals or services, shall be and constitute a lien upon the real property to or in which such sewer, water, electric or gas service is supplied, and said real property may be sold to satisfy such lien or liens. (1906, ch. 458, sec. 85; 1920, ch. 51.)

Section 18. Same – Tax bills.

Immediately after the levy is made by the council in each year, the town clerk shall give notice of the making of the levy in one or more newspapers of general circulation in the town. He shall make out and mail or deliver in person to each taxpayer or his agent a bill or account of the taxes due from him. This bill or account shall contain a statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due, and the date from which they will bear interest. In case the owner or his agent cannot be found, the town clerk shall attach the bill or account to a piece of the real property, or deliver it to the servant or bailee in custody of the personal property so assessed. He shall keep a copy of the bill or account with a memorandum thereon of the date of mailing, delivering, or posting on the property, as the case may be, of such bill, and such memorandum shall be prima facie evidence of such mailing, delivering, or posting. (1906, ch. 458, sec. 79.)

Section 19. Authority to borrow money and issue and sell bonds or notes.

(a) The Town of Easton shall have the power to borrow upon the faith and credit of the town such sum or sums of money as it shall deem proper for municipal purposes in the manner prescribed by state law applicable to the borrowing of money and the issuance of bonds or tax anticipation notes by municipal corporations.

(b) In addition, and without limitation by sections 31 to 34, inclusive, of Article 23A of the Annotated Code of Maryland or any other provision of general law, the town may, by resolution, from time to time borrow money for any public purpose and may issue and deliver its notes or other evidences of the town's obligation (including renewal or refunding notes or bond anticipation notes) to mature not more than five (5) years from the date of issue and for the payment of which the town may designate such source or sources of funds, including tax or other revenues, as it deems appropriate to the purpose for which the borrowing is to be made. The notes or other evidences of obligation may be sold upon such terms, at public or private sale, and shall be executed and delivered in such manner and upon such conditions as the authorizing resolution shall provide. (1906, ch. 458, sec. 976; 1918, ch. 134. Res. No. 5, December 27, 1955; Res. No. 43, 2/17/75.)

Section 20. Power to borrow for construction or purchase of industrial buildings.

The Town of Easton may borrow upon the full faith and credit of the town such sum or sums of money as it deems proper and shall deliver therefore promissory notes, bonds or other certificates of indebtedness which shall be based upon the full faith and credit of the town, said sum or sums of money to be used for the purpose of defraying the cost of acquiring any industrial building or buildings, either by purchase or construction, but only after an ordinance or resolution has been adopted by the legislative body of the municipality specifying the proposed undertaking, the amount of money to be borrowed, the manner by which it is to be borrowed, and the maximum rate of interest to be paid. The ordinance or resolution shall further provide that the industrial building is to be acquired pursuant to the provisions of this Section or pursuant to the provisions of Art. 41, Anno. Code Md., (1957 Ed.) Sec. 266A through 266I, inclusive, and shall also provide that the industrial building is to be acquired for a bona fide tenant, as evidenced by a

letter of intent or similar agreement between the prospective tenant and the municipality. Where differences exist between the methods of financing specified by Art. 41, Anno. Code Md. (1957 Ed.) Sec. 266A through 266I, inclusive, or Art. 23A, Anno. Code Md. (1957 Ed.), Sec. 31 through 39, inclusive, or this Section, each shall be considered as alternative methods which the town may select at its discretion. In any type of financing the council may enter into negotiations with regard to the sale of bonds or other indicia of indebtedness and sell the same at private sale without advertisement or publication of notice of sale or solicitation of competitive bids; any public local or public general law to the contrary notwithstanding. (Ch. amend. No. 28, December 8, 1964.)

Section 21. Special assessment districts.

(a) The Town of Easton shall have the power to establish special assessment districts in limited and determinable areas and to levy special assessments upon the real and personal property within such areas, which special assessments shall be used solely for the purpose of paying the cost of acquiring and developing off-street parking facilities.

(b) The boundaries of any special assessment district established hereunder to provide off-street parking facilities may be established by Ordinance or Resolution of the Council of the Town of Easton shall determine. No special assessment district shall be established unless prior to the final passage of such Ordinance or Resolution, public notice is given by notice inserted in two successive issues of a newspaper published in the Town of Easton, the last issue of which shall be published within ten days of the day on which a hearing is held by the Town of Easton. This notice shall further include a description of the boundaries of the special assessment district proposed, the time and place of the hearing to be held thereon, a statement of the special assessment proposed to be levied as well as a statement of the class of properties exempt from said levy, if exemption is proposed.

(c) The Council of the Town of Easton may exempt from the levy hereby authorized properties as follows:

1. Properties used for residential purposes only which provide one "off-street" parking space for each family.

2. Properties furnishing off-street parking facilities equal to the requirements of any zoning ordinance or any Off-Street Parking Ordinance or Resolution passed in pursuance of the authority hereby granted.

(d) The special assessment hereby provided shall constitute a lien against the respective properties upon which levied until paid, and bear interest in the same manner as all other town, real estate ad valorem taxes; any levy made hereunder shall be considered as being made for the purpose of servicing municipal bonds and shall not be used for general revenue purposes, and shall not be included in any computation of any limitation upon the taxing power of the Town of Easton which may be established by any other section of this Charter.

(e) *Borrowing.* The Town of Easton is hereby authorized to borrow whatever funds the Council determines, by Resolution duly passed, to be necessary to finance any off-street parking facilities including the acquisition of access to and egress from off-street parking facilities, and to evidence such borrowing by the issuance of notes, tax anticipation notes or such other indicia of indebtedness as the lender or lenders may request.

(f) The Council of the Town of Easton is hereby authorized to enact appropriate legislation to amend any existing ordinance and/or resolution relating to special assessment districts for off-street parking facilities in order to eliminate therefrom any requirement that the special assessment levied thereby on property be limited to a rate not to exceed One Dollar (\$1.00) per \$100.00 of assessed valuation per annum. (Res. No. 37, July 17, 1972; Res. No. 48, Dec. 7, 1982.)

## **ARTICLE VII Town Administration**

### Section 1. Town Manager – Appointment, Qualifications.

There shall be a full-time town manager, who shall be appointed by the mayor with the advice and consent of the council. The town manager shall have, prior to appointment, a master's degree in business or public administration from an accredited college or university or at least five years' experience as an executive or administrator either in public administration or private business or an equivalent combination of education and experience. The compensation of the town manager shall be established in the annual budget of the town. The mayor may enter into a contract of employment with a town manager, provided that such contract shall be approved by the council.

### Section 2. Town Manager – Powers and Duties.

The town manager shall be directly responsible to the mayor for the day-to-day operation of the town. In this connection, the town manager shall exercise all administrative powers and authority delegated by the mayor. The town manager shall be the direct subordinate of the mayor and the immediate supervisor of each department director. The town manager shall also have all powers and duties specifically granted by this Charter. Except as provided by this Charter, no duties, functions or powers shall be assigned to or removed from the town manager by the council.

### Section 3. Finance Officer – Appointment, Qualifications.

There shall be a full time town finance officer. The finance officer shall be appointed by the mayor with the advice and consent of the council. The finance officer shall be licensed to practice certified public accountancy in the State of Maryland and shall have at least five years experience in that or an equivalent field. The compensation of the finance officer shall be established in the annual budget of the town. The mayor may enter into a contract of employment with a finance officer, provided that such contract shall be approved by the council.

Section 4. Finance Officer – Powers and Duties.

The financial powers of the town, except as otherwise provided by this Charter, shall be exercised by the finance officer under the direct supervision of the mayor and the town manager. The finance officer shall be: (1) the collector of taxes and of all other municipal sums receivable; (2) the treasurer of the town; (3) authorized to enforce the payment of taxes levied by the council, by suit or by sale or otherwise, and to convey title to any real or personal property sold for nonpayment of taxes; (4) the custodian of municipal assessment books and tax records; (5) authorized to issue certified statements of taxes due and unpaid; (6) authorized to act as general assessor for the town, to the extent that such functions are not pre-empted by the laws of the State of Maryland; (7) authorized to exercise the same powers, duties and liabilities relating to taxes as those possessed by the state and county tax collectors as provided for by the laws of the State of Maryland; and (8) to deposit all taxes and moneys received or collected in a bank or other institution authorized by law to accept such deposit.

Section 5. Finance Officer – Bond; Surety empowered to enforce tax payments.

The finance officer shall provide a bond with such corporate surety and in such amount as the council may require. In the event of the bond of any town finance officer becoming liable to the town for any unpaid or uncollected taxes, the sureties on said bond shall be empowered to enforce the payment of said taxes in the same manner as the finance officer could have done.

Section 6. Town Clerk.

The mayor shall appoint, with the advice and consent of the council, a town clerk. In addition to such other duties and powers as the Charter may provide and the council may by ordinance or resolution direct, it shall be the duty and power of the town clerk to attend all meetings of the council and act as clerk thereof. The compensation of the town clerk shall be established in the annual budget of the town. The town clerk's compensation shall be determined by the council.

Section 7. Vacancy.

In case of absence or temporary incapacity in the office of town manager, town finance officer or town clerk, the mayor, by and with the consent of the council, shall fill said office for such period of temporary absence.

## **ARTICLE VIII**

### **Town Attorney**

#### Section 1. Appointment and compensation.

The town attorney shall be appointed by the mayor by and with the advice and consent of the council. His compensation shall be determined by the council. (1906, ch. 458, sec. 67. 1910, ch. 365, sec. 67. 1937, ch. 26. Res. No. 17, May 19, 1958; 1906, ch. 458, sec. 975.)

#### Section 2. Qualifications.

The town attorney shall be a member of the bar of the Maryland Court of Appeals who has practiced law in the Town of Easton for not less than one year preceding his appointment.

#### Section 3. Duties.

(a) The town attorney shall be the legal advisor of the Town of Easton and shall have general supervision and direction of all legal business of the town.

(b) The town attorney shall have charge of the preparation and trial of all suits, actions, and proceedings of every kind to which the town shall be a party in any court, state or federal, or before any trial magistrate when requested by the mayor, and of all actions brought to enforce the ordinances of the council or to punish violations thereof.

(c) Upon the request of the council, or any member thereof, the mayor, or any officer of the town, the town attorney shall give written advice on all questions of law which may be referred to him.

(d) He shall prepare ordinances for introduction into the council.

(e) He shall prepare, examine, and approve as to form all the contracts, specifications, deeds, and other legal papers of the town.

(f) He shall perform such other duties as this Charter, the mayor, or the council may require.

(g) The council shall have the authority to appoint special counsel to assist the town attorney whenever deemed desirable. (1906, ch. 458, sec. 97S.)

## **ARTICLE IX**

### **Town Engineer**

#### Section 1. Appointment; term; removal; salary.

The town engineer shall be appointed by the mayor by and with the advice and consent of the council. The town engineer shall hold office until his resignation or until his removal as provided herein, and for his services shall receive such compensation as the council shall determine. (1906, ch. 458, sec. 64; 1906, ch. 458, sec. 70B. Res. No. 15, June 5, 1956.)

#### Section 2. Qualifications.

The town engineer shall be a trained engineer holding a degree from some recognized school or college evidencing his competency as an engineer and shall be registered as a Professional Engineer in the State of Maryland. The town engineer shall have such other qualifications and experience as the council may deem requisite. (1906, ch. 458, sec. 70B. Res. No. 15, June 5, 1956.)

#### Section 3. Powers and duties.

In addition to such other powers and duties as this Charter or the council may require the town engineer shall have the following powers and duties:

(a) He shall prepare plans, give all lines and grades, write and compile all specifications for and supervise construction of any and all paving and drainage work undertaken by the town, shall certify to all payments made by the town for such work, and shall supervise such other functions and departments of the town government as the council from time to time may direct.

(b) He shall render any and all engineering service which may be required of him by ordinance of the council.

(c) He shall render such service to the Easton Utilities Commission as it shall from time to time require.

(d) He shall act as consultant to the Easton Planning and Zoning Commission and the Board of Zoning Appeals.

(e) He, or the assistant to the town engineer, shall serve as building inspector and plumbing inspector. (1906, ch. 458, sec. 70B. Res. No. 15, June 5, 1956.)



## ARTICLE X Police

### Section 1. Chief of Police – Appointment and removal.

The mayor, by and with the advice and consent of the council, shall appoint a competent person to be chief of police who shall hold his office until his successor has been qualified, unless sooner removed as authorized herein. (1906, ch. 458, sec. 68. 1910, ch. 365, sec. 68 (p. 1170). 1914, ch. 142. Res. No. 12, May 22, 1956.)

### Section 2. Same – Bond and salary.

The chief of police shall give bond to the State of Maryland, executed by a surety company licensed to do business in Maryland, and to be approved by the mayor in the sum of Five Hundred (\$500.00) dollars, conditioned for the faithful performance of his duties as chief of police, and the premium of said bond shall be paid out of the town treasury. The chief of police shall receive for his services such sum per annum as the council may determine. (1906, ch. 458, sec. 68. 1910, ch. 365, sec. 68 (p. 1170). 1914, ch. 142. Res. No. 12, May 22, 1956.)

### Section 3. Same – Report to council.

The chief of police shall report to all regular meetings of the council for the purpose of furnishing any desired information concerning any of the affairs of the town or upon matters which may be under consideration by the council. (1906, ch. 458, sec. 68. 1910, ch. 365, sec. 68 (p. 1170). 1914, ch. 142. Res. No. 12, May 22, 1956.)

### Section 4. Policemen generally – Appointment.

The chief of police, by and with the advice and consent of the Police Board, shall have power to appoint such number of policemen as may be required for the protection of the citizens of the town. (1906, ch. 458, sec. 68. 1910, ch. 365, sec. 68 (p. 1170). 1914, ch. 142. Res. No. 12, May 22, 1956.)

### Section 5. Duties of police.

In addition to such other duties and powers as the Charter may provide and the council may by ordinance or resolution direct, it shall be the duty and power of the town police to prevent and detect crime, to apprehend criminals, to enforce the criminal and motor vehicle laws of the State of Maryland and Town of Easton and to arrest any person for the violation of the aforesaid laws wherein an arrest for such violation is provided. Said town police are to be peace officers and to have the same powers with respect to criminal matters and the enforcement of the laws relating thereto as sheriffs, constables, state police, police officers, and peace officers as such officers now have or hereafter may be granted within Talbot County. (1906, ch. 458, sec. 68. 1910, ch. 365, sec. 68 (p. 1170). 1914, ch. 142. Res. No. 12, May 22, 1956.)

## **ARTICLE XI**

### **Transitional Provisions**

#### Section 1. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under this Charter.

## **ARTICLE XII**

### **Miscellaneous Provisions**

#### Section 1. Oath of office.

Each person elected or appointed to any office of honor, profit or trust under the government of the Town of Easton shall before assuming the duties of his office take, and subscribe in a book prepared by the town clerk for the purpose, the following oath or affirmation: I \_\_\_\_\_ do swear (or affirm) that I will support the Constitution of the United States, and that I will be faithful and bear true allegiance to the State of Maryland and support the Constitution and laws thereof, and that I will, to the best of my skill and judgment, diligently and faithfully, without partiality or prejudice, execute the office of \_\_\_\_\_ according to the Constitution and laws of this State. I further swear (or affirm) that since the adoption of this Charter I have not at any town election in any manner, directly or indirectly, violated the provisions of said Charter and the Constitution and laws of the State of Maryland in relation to bribery of voters. (1906, ch. 458, sec. 97R.)

#### Section 2. Charter powers not exclusive.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and the town shall have such other powers as are incident to those specifically mentioned or as are a necessary consequence of the powers herein conferred. In addition to the powers enumerated in this Charter, the town shall have all powers, rights, and privileges now or hereafter granted or made available to a municipal corporation by the Constitution and laws of the State of Maryland.

#### Section 3. Present consistent State and town law continued in effect.

All Charter provisions, ordinances and regulations of the town, and state law in force at the effective date of this Charter, insofar as they or any portion thereof are not inconsistent with the provisions of this Charter, shall remain in force until amended or repealed by law. (1906, ch. 458, sec. 97Q.)

**Section 4. Separability.**

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

**Section 5. Charter amendments.**

Amendments to this Charter shall be made in accordance with Article 11–E of the Constitution of Maryland and Article 23A, sections 11–18 of the 1957 Annotated Code of Maryland, as amended, and such amendments shall have the same force of law as if they had been enacted by the General Assembly of the State of Maryland.

**Section 6. Penalties for misdemeanors and municipal infractions.**

(A) Whenever in this Charter or in any resolution or ordinance adopted pursuant to this Charter or otherwise lawfully adopted, an act or omission to act is declared to be unlawful or a misdemeanor, any person found guilty of such act or omission to act shall be subject to a fine not to exceed \$500 and imprisonment not to exceed 90 days, or both such fine and imprisonment. Each day on which such act or omission to act occurs shall constitute a separate offense.

(B) Whenever in this Charter or in any resolution or ordinance adopted pursuant to this Charter, or otherwise lawfully adopted, an act or omission to act is declared to be a “Municipal infraction”, it shall be a civil offense, and any person found guilty of such act or omission to act shall be guilty of a municipal infraction and shall be subject to a fine not to exceed \$100 for the first offense and a fine not to exceed \$200 for a repeat offense, and each day upon which such act or omission to occurs shall constitute a separate offense. (Res. 47, passed 8–7–78.)

**Section 7. Tort liability – Notice of claim.**

No action shall be maintained and no claim shall be allowed against the town for unliquidated damages for any injury or damage to person or property, unless, within 90 days after the injury or damage was sustained, written notice thereof setting forth the time, place, and cause of the alleged damage, loss, injury, or death shall be presented in person or by registered mail by the claimant, his agent or attorney, or, in case of death, by his executor or administrator, to the mayor, the president of the council, or the town clerk, as the case may be. (ch. amend. No. 30, 5–25–65.)

**Section 8. Effective Date.**

This Charter shall become effective on March 31, 1967.



# APPENDIX I

## Urban Renewal Authority For Slum Clearance

(See Note (2))

### Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” means the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” means any area where dwellings predominate which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” means an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” means undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part of them in accordance with an urban renewal plan. These undertakings and activities may include:
  - (1) acquisition of a slum area or a blighted area or portion of them;
  - (2) demolition and removal of buildings and improvements;
  - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out the urban renewal objectives of this appendix in accordance with the urban renewal plan;
  - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
  - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
  - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” means a slum area or a blighted area or a combination of them which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” means a plan, as it exists from time to time, for an urban renewal project. The plan shall be sufficiently complete to indicate whatever land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic. It includes any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” means the Town of Easton. (Ch. 29, 1977.)

#### Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the

specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(a) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (1) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(b) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(c) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix, including, but not limited to, the payment of any and all costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, as aforesaid, and for the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of streets, highways, alleys, utilities, or services, in connection with urban renewal projects; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds;

(d) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(e) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project

and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(f) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(g) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(h) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved; and

(i) to exercise all or any part or combination of powers herein granted.

Section A1-103. Establishment of Urban Renewal Agency.

A municipality may itself exercise all the powers granted by this appendix, or may, if its legislative body by ordinance determines such action to be in the public interest elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(a) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix.

(b) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix.

(c) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(c) of this appendix.



Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which:

- (a) finds that one or more slum or blighted areas exist in such municipality;
- (b) locates and defines the said slum or blighted areas; and
- (c) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan to review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality, as in the case of an original plan.

Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with [the] urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

#### Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

#### Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

#### Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix. Provide, however, that payment of such bonds, both as to principal and interest may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(1) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Section 9, 10 and 11 of Article 31 of the Annotated Code of Maryland, 1957 Edition, as amended. Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(2) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(3) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par: provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(4) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(5) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(6) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

#### Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-112. Short Title.

This appendix shall be known and may be cited as the Easton Urban Renewal Authority for Slum Clearance Act.

Section A1-113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

## NOTES

(1) As to the specific powers enumerated in Article 23B, Section 22 of the Maryland Municipal Corporations Charter Act, see Appendix A.

(2) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Easton in Chapter 844 of the Acts of the General Assembly of 1961. Further changes to this power were made by Chapter 29 of the Acts of 1977.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Easton appear as this appendix in accordance with *80 Opinions of the Attorney General* \_\_\_\_ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the General Assembly of 1997.

(3) Resolution 5978, effective August 19, 2011, provided for the annexation of 117.994 acres of land, more or less. This Resolution, however, failed to provide for a change in the boundary description contained in this Charter. Therefore, the annexation resolution is simply noted pursuant to the municipal general powers.

